

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

## **SB 1536**

Introduced by

Senators Aboud, Brotherton, Mitchell, Rios; Representatives Lopez L,  
Prezelski; Senators Aguirre, Arzberger, Cannell, Garcia, Hale, Harper,  
Miranda, Soltero; Representatives Garcia M, Kirkpatrick

### **AN ACT**

AMENDING SECTIONS 13-3401, 13-3404, 13-3404.01, 13-3623, 13-3967, 15-712,  
32-1904 AND 36-2516, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 18,  
ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-1973 AND 32-1974;  
AMENDING TITLE 41, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING  
SECTION 41-199; RELATING TO DRUG OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-3401, Arizona Revised Statutes, is amended to read:

**13-3401. Definitions**

In this chapter, unless the context otherwise requires:

1. "Administer" means to apply, inject or facilitate the inhalation or ingestion of a substance to the body of a person.

2. "Amidone" means any substance identified chemically as (4-4-diphenyl-6-dimethylamine-heptanone-3), or any salt of such substance, by whatever trade name designated.

3. "Board" means the Arizona state board of pharmacy.

4. "Cannabis" means the following substances under whatever names they may be designated:

(a) The resin extracted from any part of a plant of the genus cannabis, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or its resin. Cannabis does not include oil or cake made from the seeds of such plant, any fiber, compound, manufacture, salt, derivative, mixture or preparation of the mature stalks of such plant except the resin extracted from the stalks or any fiber, oil or cake or the sterilized seed of such plant which is incapable of germination.

(b) Every compound, manufacture, salt, derivative, mixture or preparation of such resin or tetrahydrocannabinol.

5. "Coca leaves" means cocaine, its optical isomers and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine or substances from which cocaine or ecgonine may be synthesized or made.

6. "Dangerous drug" means the following by whatever official, common, usual, chemical or trade name designated:

(a) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances and their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(i) Alpha-ethyltryptamine.

(ii) Aminorex.

(iii) 4-bromo-2, 5-dimethoxyphenethylamine.

(iv) 4-bromo-2, 5-dimethoxyamphetamine.

(v) Bufotenine.

(vi) Diethyltryptamine.

(vii) 2, 5-dimethoxyamphetamine.

(viii) 2, 5-DIMETHOXY-4-ETHYLAMPHETAMINE.

(ix) 2, 5-DIMETHOXY-4-(N)-PROPYLTHIOPHENETHYLAMINE (2C-T-7).

~~(viii)~~ (x) Dimethyltryptamine.

~~(ix)~~ (xi) 5-methoxy-3, 4-methylenedioxyamphetamine.

~~(x)~~ (xii) 4-methyl-2, 5-dimethoxyamphetamine.

- 1       ~~(xi)~~ (xiii) Ibogaine.
- 2       ~~(xii)~~ (xiv) Lysergic acid amide.
- 3       ~~(xiii)~~ (xv) Lysergic acid diethylamide.
- 4       ~~(xiv)~~ (xvi) Mescaline.
- 5       ~~(xv)~~ (xvii) 4-methoxyamphetamine.
- 6       ~~(xvi)~~ (xviii) Methoxymethylenedioxyamphetamine (MMDA).
- 7       ~~(xvii)~~ (xix) Methylenedioxyamphetamine (MDA).
- 8       ~~(xviii)~~ (xx) 3, 4-methylenedioxyamphetamine.
- 9       ~~(xix)~~ (xxi) 3, 4-methylenedioxy-N-ethylamphetamine
- 10      ~~(xx)~~ (xxii) N-ethyl-3-piperidyl benzilate (JB-318).
- 11      ~~(xxi)~~ (xxiii) N-hydroxy-3, 4-methylenedioxyamphetamine.
- 12      ~~(xxii)~~ (xxiv) N-methyl-3-piperidyl benzilate (JB-336).
- 13      ~~(xxiii)~~ (xxv) N-(1-phenylcyclohexyl) ethylamine (PCE).
- 14      ~~(xxiv)~~ (xxvi) Nabilone.
- 15      ~~(xxv)~~ (xxvii) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).
- 16      ~~(xxvi)~~ (xxviii) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).
- 17      ~~(xxvii)~~ (xxix) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.
- 18      ~~(xxviii)~~ (xxx) Para-methoxyamphetamine (PMA).
- 19      ~~(xxix)~~ (xxxi) Psilocybin.
- 20      ~~(xxx)~~ (xxxii) Psilocyn.
- 21      ~~(xxxi)~~ (xxxiii) Synhexyl.
- 22      ~~(xxxii)~~ (xxxiv) Trimethoxyamphetamine (TMA).
- 23      (b) Any material, compound, mixture or preparation which contains any
- 24      quantity of the following substances and their salts, optical isomers, and
- 25      salts of optical isomers having a potential for abuse associated with a
- 26      stimulant effect on the central nervous system:
- 27      (i) AMINOREX.
- 28      ~~(i)~~ (ii) Amphetamine.
- 29      ~~(ii)~~ (iii) Benzphetamine.
- 30      ~~(iii) —Butorphanol—~~
- 31      (iv) Cathine ((+)-norpseudoephedrine).
- 32      (v) CATHINONE.
- 33      ~~(v)~~ (vi) Chlorphentermine.
- 34      ~~(vi)~~ (vii) Clortermine.
- 35      ~~(vii)~~ (viii) Diethylpropion.
- 36      ~~(viii)~~ (ix) Fencamfamin.
- 37      ~~(ix)~~ (x) Fenethylline.
- 38      ~~(x)~~ (xi) Fenproporex.
- 39      ~~(xi)~~ (xii) Mazindol.
- 40      ~~(xii)~~ (xiii) Mefenorex.
- 41      ~~(xiii)~~ (xiv) Methamphetamine.
- 42      ~~(xiv)~~ (xv) Methcathinone.
- 43      ~~(xv)~~ (xvi) 4-methylaminorex.
- 44      ~~(xvi)~~ (xvii) Methylphenidate.
- 45      ~~(xvii)~~ (xviii) Modafinil.

1           (xix) N-BENZYLPIPERAZINE.  
 2           ~~(xxiii)~~ (xx) N-ethylamphetamine.  
 3           ~~(xix)~~ (xxi) N, N-dimethylamphetamine.  
 4           ~~(xx)~~ (xxii) Pemoline.  
 5           ~~(xxi)~~ (xxiii) Phendimetrazine.  
 6           ~~(xxii)~~ (xxiv) Phenmetrazine.  
 7           ~~(xxiii)~~ (xxv) Phentermine.  
 8           ~~(xxiv)~~ (xxvi) ~~Piprado~~ PIPRADROL.  
 9           ~~(xxv) —Propylhexedrine—~~  
 10          ~~(xxvi)~~ (xxvii) Pyrovalerone.  
 11          ~~(xxvii)~~ (xxviii) Sibutramine.  
 12          ~~(xxviii)~~ (xxix) Spa ((-)-1-dimethylamino-1,2-diphenylethane).  
 13          (xxx) 1-(3-TRIFLUOROMETHYLPHENYL) PIPERAZINE (TFMPP).  
 14          (c) Any material, compound, mixture or preparation which contains any  
 15          quantity of the following substances AND THEIR SALTS having a potential for  
 16          abuse associated with a depressant effect on the central nervous system:  
 17          (i) Any substance which contains any quantity of a derivative of  
 18          barbituric acid, or any salt of a derivative of barbituric acid, unless  
 19          specifically excepted.  
 20          (ii) Alprazolam.  
 21          (iii) Bromazepam.  
 22          (iv) Camazepam.  
 23          (v) Carisoprodol.  
 24          (vi) Chloral betaine.  
 25          (vii) Chloral hydrate.  
 26          (viii) Chlordiazepoxide.  
 27          (ix) Chlorhexadol.  
 28          (x) Clobazam.  
 29          (xi) Clonazepam.  
 30          (xii) Clorazepate.  
 31          (xiii) Clotiazepam.  
 32          (xiv) Cloxazolam.  
 33          (xv) Delorazepam.  
 34          (xvi) Diazepam.  
 35          (xvii) Dichloralphenazone.  
 36          (xviii) Estazolam.  
 37          (xix) Ethchlorvynol.  
 38          (xx) Ethinamate.  
 39          (xxi) Ethyl loflazepate.  
 40          (xxii) Fenfluramine.  
 41          (xxiii) Fludiazepam.  
 42          (xxiv) Flunitrazepam.  
 43          (xxv) Flurazepam.  
 44          (xxvi) Gamma hydroxy butyrate.  
 45          (xxvii) GAMMA-HYDROXYVALERATE (GHV).

~~(xxviii)~~ (xxviii) Glutethimide.  
~~(xxix)~~ (xxix) Halazepam.  
~~(xxx)~~ (xxx) Haloxazolam.  
~~(xxxi)~~ (xxxi) Ketamine.  
~~(xxxii)~~ (xxxii) Ketazolam.  
~~(xxxiii)~~ (xxxiii) Loprazolam.  
~~(xxxiv)~~ (xxxiv) Lorazepam.  
~~(xxxv)~~ (xxxv) Lormetazepam.  
~~(xxxvi)~~ (xxxvi) Lysergic acid.  
~~(xxxvii)~~ (xxxvii) Mebutamate.  
~~(xxxviii)~~ (xxxviii) Mecloqualone.  
~~(xxxix)~~ (xxxix) Medazepam.  
~~(xl)~~ (xl) Meprobamate.  
~~(xli)~~ (xli) Methaqualone.  
~~(xlii)~~ (xlii) Methohexital.  
~~(xliii)~~ (xliii) Methypylon.  
~~(xliv)~~ (xliv) Midazolam.  
~~(xlv)~~ (xlv) Nimetazepam.  
~~(xlvi)~~ (xlvi) Nitrazepam.  
~~(xlvii)~~ (xlvii) Nordiazepam.  
~~(xlviii)~~ (xlviii) Oxazepam.  
~~(xlix)~~ (xlix) Oxazolam.  
~~(l)~~ (l) Paraldehyde.  
~~(li)~~ (li) Petrichloral.  
~~(lii)~~ (lii) Phencyclidine.  
~~(liii)~~ (liii) Pinazepam.  
~~(liv)~~ (liv) Prazepam.  
~~(lv)~~ (lv) Scopolamine.  
~~(lvi)~~ (lvi) Sulfondiethylmethane.  
~~(lvii)~~ (lvii) Sulfonethylmethane.  
~~(lviii)~~ (lviii) Sulfonmethane.  
~~(lix)~~ (lix) Quazepam.  
~~(lx)~~ (lx) Temazepam.  
~~(lxi)~~ (lxi) Tetrazepam.  
~~(lxii)~~ (lxii) Tiletamine.  
~~(lxiii)~~ (lxiii) Triazolam.  
~~(lxiv)~~ (lxiv) Zaleplon.  
~~(lxv)~~ (lxv) Zolazepam.  
~~(lxvi)~~ (lxvi) Zolpidem.

(d) Any material, compound, mixture or preparation which contains any quantity of the following anabolic steroids and their salts, isomers or esters:

- (i) Boldenone.
- (ii) Clostebol (4-chlorotestosterone).
- (iii) Dehydrochloromethyltestosterone.

- 1 (iv) Drostanolone.
- 2 (v) Ethylestrenol.
- 3 (vi) Fluoxymesterone.
- 4 (vii) Formebolone (formebolone).
- 5 (viii) Mesterolone.
- 6 (ix) Methandriol.
- 7 (x) Methandrostenolone (methandienone).
- 8 (xi) Methenolone.
- 9 (xii) Methyltestosterone.
- 10 (xiii) Mibolerone.
- 11 (xiv) Nandrolone.
- 12 (xv) Norethandrolon.
- 13 (xvi) Oxandrolone.
- 14 (xvii) Oxymesterone.
- 15 (xviii) Oxymetholone.
- 16 (xix) Stanolone (4-dihydrotestosterone).
- 17 (xx) Stanozolol.
- 18 (xxi) Testolactone.
- 19 (xxii) Testosterone.
- 20 (xxiii) Trenbolone.

21 7. "Deliver" means the actual, constructive or attempted exchange from  
22 one person to another, whether or not there is an agency relationship.

23 8. "Director" means the director of the department of health services.

24 9. "Dispense" means distribute, leave with, give away, dispose of or  
25 deliver.

26 10. "Drug court program" means a program that is established pursuant  
27 to section 13-3422 by the presiding judge of the superior court in  
28 cooperation with the county attorney in a county for the purpose of  
29 prosecuting, adjudicating and treating drug dependent persons who meet the  
30 criteria and guidelines for entry into the program that are developed and  
31 agreed on by the presiding judge and the prosecutor.

32 11. "Drug dependent person" means a person who is using a substance  
33 that is listed in paragraph 6, 19, 20, 21 or 28 of this section and who is in  
34 a state of psychological or physical dependence, or both, arising from the  
35 use of that substance.

36 12. "Federal act" has the same meaning prescribed in section 32-1901.

37 13. "Isoamidone" means any substance identified chemically as  
38 (4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3), or any salt of such  
39 substance, by whatever trade name designated.

40 14. "Isonipecaïne" means any substance identified chemically as  
41 (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt of  
42 such substance, by whatever trade name designated.

43 15. "Ketobemidone" means any substance identified chemically as  
44 (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or any  
45 salt of such substance, by whatever trade name designated.

1 16. "Licensed" or "permitted" means authorized by the laws of this  
2 state to do certain things.

3 17. "Manufacture" means produce, prepare, propagate, compound, mix or  
4 process, directly or indirectly, by extraction from substances of natural  
5 origin or independently by means of chemical synthesis, or by a combination  
6 of extraction and chemical synthesis. Manufacture includes any packaging or  
7 repackaging or labeling or relabeling of containers. Manufacture does not  
8 include any producing, preparing, propagating, compounding, mixing,  
9 processing, packaging or labeling done in conformity with applicable state  
10 and local laws and rules by a licensed practitioner incident to and in the  
11 course of his licensed practice.

12 18. "Manufacturer" means a person who manufactures a narcotic or  
13 dangerous drug or other substance controlled by this chapter.

14 19. "Marijuana" means all parts of any plant of the genus cannabis,  
15 from which the resin has not been extracted, whether growing or not, and the  
16 seeds of such plant. Marijuana does not include the mature stalks of such  
17 plant or the sterilized seed of such plant which is incapable of germination.

18 20. "Narcotic drugs" means the following **SUBSTANCES AND THEIR SALTS**,  
19 whether of natural or synthetic origin and any substance neither chemically  
20 nor physically distinguishable from them:

- 21 (a) Acetyl-alpha-methylfentanyl.
- 22 (b) Acetylmethadol.
- 23 (c) Alfentanil.
- 24 (d) Allylprodine.
- 25 (e) Alphacetylmethadol.
- 26 (f) Alphameprodine.
- 27 (g) Alphamethadol.
- 28 (h) Alpha-methylfentanyl.
- 29 (i) Alpha-methylthiofentanyl.
- 30 (j) Alphaprodine.
- 31 (k) Amidone (methadone).
- 32 (l) Anileridine.
- 33 (m) Benzethidine.
- 34 (n) Benzylfentanyl.
- 35 (o) Betacetylmethadol.
- 36 (p) Beta-hydroxyfentanyl.
- 37 (q) Beta-hydroxy-3-methylfentanyl.
- 38 (r) Betameprodine.
- 39 (s) Betamethadol.
- 40 (t) Betaprodine.
- 41 (u) Bezitramide.
- 42 (v) Buprenorphine ~~and its salts~~.
- 43 **(w) BUTORPHANOL.**
- 44 ~~(w)~~ (x) Cannabis.
- 45 ~~(x)~~ (y) Carfentanil.

1	<del>(y)</del>	(z)	Clonitazene.
2	<del>(z)</del>	(aa)	Coca leaves.
3	<del>(aa)</del>	(bb)	Dextromoramide.
4	<del>(bb)</del>	(cc)	Dextropropoxyphene.
5	<del>(cc)</del>	(dd)	Diampromide.
6	<del>(dd)</del>	(ee)	Diethylthiambutene.
7	<del>(ee)</del>	(ff)	Difenoxin.
8	<del>(ff)</del>	(gg)	Dihydrocodeine.
9	<del>(gg)</del>	(hh)	Dimenoxadol.
10	<del>(hh)</del>	(ii)	Dimepheptanol.
11	<del>(ii)</del>	(jj)	Dimethylthiambutene.
12	<del>(jj)</del>	(kk)	Dioxaphetyl butyrate.
13	<del>(kk)</del>	(ll)	Diphenoxylate.
14	<del>(ll)</del>	(mm)	Dipipanone.
15	<del>(mm)</del>	(nn)	Ethylmethylthiambutene.
16	<del>(nn)</del>	(oo)	Etonitazene.
17	<del>(oo)</del>	(pp)	Etoxeridine.
18	<del>(pp)</del>	(qq)	Fentanyl.
19	<del>(qq)</del>	(rr)	Furethidine.
20	<del>(rr)</del>	(ss)	Hydroxypethidine.
21	<del>(ss)</del>	(tt)	Isoamidone (isomethadone).
22	<del>(tt)</del>	(uu)	Pethidine (meperidine) .
23	<del>(uu)</del>	(vv)	Ketobemidone.
24	<del>(vv)</del>	(ww)	Levomethorphan.
25	<del>(ww)</del>	(xx)	Levomoramide.
26	<del>(xx)</del>	(yy)	Levophenacymorphan.
27	<del>(yy)</del>	(zz)	Levorphanol.
28	<del>(zz)</del>	(aaa)	Metazocine.
29	<del>(aaa)</del>	(bbb)	3-methylfentanyl.
30	<del>(bbb)</del>	(ccc)	1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
31	<del>(ccc)</del>	(ddd)	3-methylthiofentanyl.
32	<del>(ddd)</del>	(eee)	Morpheridine.
33	<del>(eee)</del>	(fff)	Noracymethadol.
34	<del>(fff)</del>	(ggg)	Norlevorphanol.
35	<del>(ggg)</del>	(hhh)	Normethadone.
36	<del>(hhh)</del>	(iii)	Norpipanone.
37	<del>(iii)</del>	(jjj)	Opium.
38	<del>(jjj)</del>	(kkk)	Para-fluorofentanyl.
39	<del>(kkk)</del>	(lll)	Pentazocine.
40	<del>(lll)</del>	(mmm)	Phenadoxone.
41	<del>(mmm)</del>	(nnn)	Phenampromide.
42	<del>(nnn)</del>	(ooo)	Phenazocine.
43	<del>(ooo)</del>	(ppp)	1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
44	<del>(ppp)</del>	(qqq)	Phenomorphane.
45	<del>(qqq)</del>	(rrr)	Phenoperidine.



1       ~~(ppp)~~ (sss) Piminodine.  
 2       ~~(sss)~~ (ttt) Piritramide.  
 3       ~~(ttt)~~ (uuu) Proheptazine.  
 4       ~~(uuu)~~ (vvv) Properidine.  
 5       ~~(vvv)~~ (www) Propiram.  
 6       ~~(www)~~ (xxx) Racemethorphan.  
 7       ~~(xxx)~~ (yyy) Racemoramide.  
 8       ~~(yyy)~~ (zzz) Racemorphan.  
 9       ~~(zzz)~~ (aaaa) Remifentanil.  
 10       ~~(aaaa)~~ (bbbb) Sufentanil.  
 11       ~~(bbbb)~~ (cccc) Thenylfentanyl.  
 12       ~~(cccc)~~ (dddd) Thiofentanyl.  
 13       ~~(dddd)~~ (eeee) Tilidine.  
 14       ~~(eeee)~~ (ffff) Trimeperidine.

15       21. "Opium" means any compound, manufacture, salt, isomer, salt of  
 16 isomer, derivative, mixture or preparation of the following, but does not  
 17 include apomorphine, DEXTROPHAN, NALBUPHINE, NALMEFENE, NALOXONE OR  
 18 NALTREXONE or any of ~~its~~ THEIR salts:

19       (a) Acetorphine.  
 20       (b) Acetyldihydrocodeine.  
 21       (c) Benzylmorphine.  
 22       (d) Codeine.  
 23       (e) Codeine methylbromide.  
 24       (f) Codeine-N-oxide.  
 25       (g) Cyprenorphine.  
 26       (h) Desomorphine.  
 27       (i) DIHYDROETORPHINE.  
 28       ~~(i)~~ (j) Dihydromorphine.  
 29       ~~(j)~~ (k) Drotebanol.  
 30       ~~(k)~~ (l) Ethylmorphine.  
 31       ~~(l)~~ (m) Etorphine.  
 32       ~~(m)~~ (n) Heroin.  
 33       ~~(n)~~ (o) Hydrocodone.  
 34       ~~(o)~~ (p) Hydromorphinol.  
 35       ~~(p)~~ (q) Hydromorphone.  
 36       ~~(q)~~ (r) Levo-alphaacetylmethadol.  
 37       ~~(r)~~ (s) Methyl-desorphine.  
 38       ~~(s)~~ (t) Methyl-dihydromorphine.  
 39       ~~(t)~~ (u) Metopon.  
 40       ~~(u)~~ (v) Morphine.  
 41       ~~(v)~~ (w) Morphine methylbromide.  
 42       ~~(w)~~ (x) Morphine methylsulfonate.  
 43       ~~(x)~~ (y) Morphine-N-oxide.  
 44       ~~(y)~~ (z) Myrophine.  
 45       ~~(z)~~ (aa) Nalorphine.

- 1 ~~(aa)~~ (bb) Nicocodeine.
- 2 ~~(bb)~~ (cc) Nicomorphine.
- 3 ~~(cc)~~ (dd) Normorphine.
- 4 ~~(dd)~~ (ee) Oxycodone.
- 5 ~~(ee)~~ (ff) Oxymorphone.
- 6 ~~(ff)~~ (gg) Pholcodine.
- 7 ~~(gg)~~ (hh) Thebacon.
- 8 ~~(hh)~~ (ii) Thebaine.

9 22. "Ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or  
 10 phenylpropanolamine product" means a product that contains ephedrine,  
 11 pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is  
 12 all of the following:

- 13 (a) Approved for sale under the federal act.
- 14 (b) Labeled, advertised and marketed only for an indication that is  
 15 approved by the federal food and drug administration.
- 16 (c) Either:
- 17 (i) ~~A nonliquid that is sold in package sizes of not more than three~~  
 18 ~~grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or~~  
 19 ~~phenylpropanolamine and that is packaged in blister packs containing not more~~  
 20 ~~than two dosage units or, if the use of blister packs is technically~~  
 21 ~~infeasible, that is~~ Packaged in unit dose packets or pouches.
- 22 (ii) A liquid that is sold in package sizes of not more than three  
 23 grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or  
 24 phenylpropanolamine.

25 23. "Peyote" means any part of a plant of the genus lophophora, known  
 26 as the mescal button.

27 24. "Pharmacy" means a licensed business where drugs are compounded or  
 28 dispensed by a licensed pharmacist.

29 25. "Practitioner" means a person licensed to prescribe and administer  
 30 drugs.

31 26. "Precursor chemical I" means any material, compound, mixture or  
 32 preparation which contains any quantity of the following substances and their  
 33 salts, optical isomers or salts of optical isomers:

- 34 (a) BENZALDEHYDE.
- 35 (b) BENZYL CYANIDE.
- 36 ~~(a)~~ (c) N-acetylanthranilic acid.
- 37 ~~(b)~~ (d) Anthranilic acid.
- 38 ~~(c)~~ (e) Ephedrine.
- 39 (f) ERGONOVINE.
- 40 ~~(d)~~ (g) Ergotamine.
- 41 (h) ETHYLAMINE.
- 42 (i) HYDRIODIC ACID.
- 43 ~~(e)~~ (j) Isosafrole.
- 44 ~~(f)~~ (k) Lysergic acid.
- 45 ~~(g)~~ (l) Methylamine.

1 (m) 3, 4-METHYLENEDIOXYPHENYL-2-PROPANONE.

2 ~~(h)~~ (n) N-ethylephedrine.

3 ~~(i)~~ (o) N-ethylpseudoephedrine.

4 ~~(j)~~ (p) N-methylephedrine.

5 ~~(k)~~ (q) N-methylpseudoephedrine.

6 (r) NITROETHANE.

7 ~~(t)~~ (s) Norephedrine.

8 ~~(m)~~ (t) (-)-Norpseudoephedrine.

9 ~~(n)~~ (u) Phenylacetic acid.

10 ~~(o)~~ (v) Phenylpropanolamine.

11 ~~(p)~~ (w) Piperidine.

12 (x) PIPERONAL.

13 (y) PROPIONIC ANHYDRIDE.

14 ~~(q)~~ (z) Pseudoephedrine.

15 27. "Precursor chemical II" means any material, compound, mixture or  
16 preparation which contains any quantity of the following substances and their  
17 salts, optical isomers or salts of optical isomers:

18 (a) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.

19 (b) 4-cyano-1-methyl-4-phenylpiperidine.

20 (c) Chlorephedrine.

21 (d) Chlorpseudoephedrine.

22 (e) Ethyl-4-phenylpiperidine-4-carboxylate.

23 (f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.

24 (g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.

25 (h) N-formyl amphetamine.

26 (i) N-formyl methamphetamine.

27 (j) Phenyl-2-propanone.

28 (k) 1-PHENYLCYCLOHEXYLAMINE.

29 ~~(k)~~ (l) 1-piperidinocyclohexane carbonitrile.

30 ~~(t)~~ (m) 1-pyrrolidinocyclohexane carbonitrile.

31 28. "Prescription-only drug" does not include a dangerous drug or  
32 narcotic drug but means:

33 (a) Any drug which because of its toxicity or other potentiality for  
34 harmful effect, or the method of its use, or the collateral measures  
35 necessary to its use, is not generally recognized among experts, qualified by  
36 scientific training and experience to evaluate its safety and efficacy, as  
37 safe for use except by or under the supervision of a medical practitioner.

38 (b) Any drug that is limited by an approved new drug application under  
39 the federal act or section 32-1962 to use under the supervision of a medical  
40 practitioner.

41 (c) Every potentially harmful drug, the labeling of which does not  
42 bear or contain full and adequate directions for use by the consumer.

43 (d) Any drug required by the federal act to bear on its label the  
44 legend "Caution: Federal law prohibits dispensing without prescription" or  
45 "RX only".

29. "Produce" means grow, plant, cultivate, harvest, dry, process or prepare for sale.

30. "Regulated chemical" means the following substances in bulk form that are not a useful part of an otherwise lawful product:

(a) Acetic anhydride.

(b) CONDENSED AMMONIA. FOR THE PURPOSES OF THIS SUBDIVISION, "CONDENSED AMMONIA" MEANS AMMONIA IN ITS LIQUID FORM AND INCLUDES ANHYDROUS AMMONIA. CONDENSED AMMONIA DOES NOT INCLUDE COMMERCIAL WATER SOLUTIONS OF AMMONIA.

~~(b)~~ (c) Hypophosphorous acid.

~~(c)~~ (d) Iodine.

~~(d)~~ (e) Sodium acetate.

~~(e)~~ (f) Red phosphorus.

~~(f)~~ (g) Gamma butyrolactone (GBL).

(h) GAMMA-VALEROLACTONE (GVL).

~~(g)~~ (i) 1, 4-butanediol.

~~(h)~~ Butyrolactone.

~~(i)~~ 1, 2 butanolide.

~~(j)~~ 2-oxanalone.

~~(k)~~ Tetrahydro-2-furanone.

~~(l)~~ Dihydro-2(3H)-furanone.

~~(m)~~ Tetramethylene glycol.

(j) SAFROLE, INCLUDING SAFROLE-RICH ESSENTIAL OILS SUCH AS SASSAFRAS OIL AND CAMPHOR OIL.

(k) WHITE PHOSPHOROUS.

31. "Retailer" means either:

(a) A person other than a practitioner who sells, TRANSFERS OR FURNISHES any precursor chemical or regulated chemical to another person for purposes of consumption and not resale, whether or not the person possesses a permit issued pursuant to title 32, chapter 18.

(b) A person other than a manufacturer or wholesaler who purchases, receives or acquires more than ~~twenty-four~~ NINE grams of a precursor chemical.

32. "Sale" or "sell" means an exchange for anything of value or advantage, present or prospective.

33. "Sale for personal use" means the retail sale for a legitimate medical use in a single transaction to an individual customer, to an employer for dispensing to employees from first aid kits or medicine chests or to a school for administration pursuant to section 15-344.

34. "Scientific purpose" means research, teaching or chemical analysis.

35. "Suspicious transaction" means a transaction to which any of the following applies:

(a) A report is required under the federal act.

(b) The circumstances would lead a reasonable person to believe that any person is attempting to possess a precursor chemical or regulated

chemical for the purpose of unlawful manufacture of a dangerous drug or narcotic drug, based on such factors as the amount involved, the method of payment, the method of delivery and any past dealings with any participant.

(c) The transaction involves payment for precursor or regulated chemicals in cash or money orders in a total amount of more than ~~two~~ ONE hundred dollars.

(d) The transaction involves a sale, a transfer or furnishing to a retailer for resale ~~without a prescription~~ of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine that is not an ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine product, EXCEPT A NONLIQUID THAT IS SOLD IN PACKAGE SIZES OF NOT MORE THAN THREE GRAMS OF EPHEDRINE, PSEUDOEPHEDRINE, (-)-NORPSEUDOEPHEDRINE OR PHENLYPROPANOLAMINE AND THAT IS PACKAGED IN BLISTER PACKS CONTAINING NOT MORE THAN TWO DOSAGE UNITS.

36. "Threshold amount" means a weight, market value or other form of measurement of an unlawful substance as follows:

(a) One gram of heroin.

(b) Nine grams of cocaine.

(c) Seven hundred fifty milligrams of cocaine base or hydrolyzed cocaine.

(d) Four grams or 50 milliliters of PCP.

(e) ~~Nine~~ SEVEN grams of methamphetamine, including methamphetamine in liquid suspension.

(f) Nine grams of amphetamine, including amphetamine in liquid suspension.

(g) One-half milliliter of lysergic acid diethylamide, or in the case of blotter dosage units fifty dosage units.

(h) Two pounds of marijuana.

(i) For any combination consisting solely of those unlawful substances listed in subdivisions (a) through (h) of this paragraph, an amount equal to or in excess of the threshold amount, as determined by the application of section 13-3420.

(j) For any unlawful substance not listed in subdivisions (a) through (h) of this paragraph or any combination involving any unlawful substance not listed in subdivisions (a) through (h) of this paragraph, a value of at least one thousand dollars.

37. "Transfer" means furnish, deliver or give away.

38. "Vapor-releasing substance containing a toxic substance" means paint or varnish dispensed by the use of aerosol spray, or any glue, which releases vapors or fumes containing acetone, volatile acetates, benzene, butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether, toluene, volatile ketones, isophorone, chloroform, methylene chloride, mesityl oxide, xylene, cumene, ethylbenzene, trichloroethylene, mibk, miak, mek or diacetone alcohol or isobutyl nitrite.

1        39. "Weight" unless otherwise specified includes the entire weight of  
2 any mixture or substance that contains a detectable amount of an unlawful  
3 substance. If a mixture or substance contains more than one unlawful  
4 substance, the weight of the entire mixture or substance is assigned to the  
5 unlawful substance that results in the greater offense. If a mixture or  
6 substance contains lysergic acid diethylamide, the offense that results from  
7 the unlawful substance shall be based on the greater offense as determined by  
8 the entire weight of the mixture or substance or the number of blotter dosage  
9 units. For the purposes of this paragraph, "mixture" means any combination  
10 of substances from which the unlawful substance cannot be removed without a  
11 chemical process.

12        40. "Wholesaler" means a person who in the usual course of business  
13 lawfully supplies narcotic drugs, dangerous drugs, precursor chemicals or  
14 regulated chemicals that he himself has not produced or prepared, but not to  
15 a person for the purpose of consumption by the person, whether or not the  
16 wholesaler has a permit that is issued pursuant to title 32, chapter  
17 18. Wholesaler includes a person who sells, delivers or dispenses a  
18 precursor chemical in an amount or under circumstances that would require  
19 registration as a distributor of precursor chemicals under the federal act.

20        Sec. 2. Section 13-3404, Arizona Revised Statutes, is amended to read:

21        13-3404. Sale of precursor or regulated chemicals; report;  
22        exemptions; violation; classification

23        A. A manufacturer, wholesaler, retailer or other person who sells,  
24 transfers or otherwise furnishes any precursor chemical or regulated chemical  
25 to any person in this state shall submit a report to the department of public  
26 safety of all of those transactions.

27        B. The department of public safety shall provide a common reporting  
28 form which contains at least the following information:

- 29        1. The name of the substance.  
30        2. The proprietary name of the product, if any.  
31        3. The quantity of the substance sold, transferred or furnished.  
32        4. The date the substance is to be sold, transferred or furnished.  
33        5. The name and address of the person buying or receiving the  
34 substance.

35        6. The name and address of the manufacturer, wholesaler, retailer or  
36 other person selling, transferring or furnishing the substance.

37        7. THE RECIPIENT'S DRIVER LICENSE NUMBER OR OTHER PERSONAL  
38 IDENTIFICATION NUMBER FROM A DRIVER LICENSE OR A STATE ISSUED PERSONAL  
39 IDENTIFICATION CERTIFICATE THAT CONTAINS A PHOTOGRAPH OF THE RECIPIENT.

40        8. A COMPLETE DESCRIPTION OF HOW THE PRECURSOR CHEMICAL IS TO BE USED.

41        9. THE RECIPIENT'S SIGNATURE.

42        C. A manufacturer, wholesaler, retailer or other person who sells,  
43 transfers or otherwise furnishes a precursor chemical or regulated chemical  
44 to a person in this state, not less than twenty-one days before delivery of  
45 the substance, shall submit a report of the transaction to the department of

1 public safety, except that the department of public safety may authorize the  
2 submission of the reports on a monthly basis with respect to repeated,  
3 regular transactions between the furnisher and the recipient involving the  
4 same substance if the department of public safety determines that both of the  
5 following exist:

6 1. A pattern of regular supply of the substance exists between the  
7 manufacturer, wholesaler, retailer or other person who sells, transfers or  
8 otherwise furnishes such substance and the recipient of the substance.

9 2. The recipient has established a record of utilization of the  
10 substance for lawful purposes.

11 D. A manufacturer, wholesaler, retailer or other person who receives  
12 from a source outside of this state any precursor chemical or regulated  
13 chemical shall submit a report of such transaction to the department of  
14 public safety in accordance with rules adopted by that department. **THE**  
15 **RECIPIENT OF THE PRECURSOR CHEMICAL OR REGULATED CHEMICAL SHALL SUBMIT THE**  
16 **REPORT TWENTY-ONE DAYS BEFORE RECEIPT OF THE SUBSTANCE. THE REPORT SHALL**  
17 **CONTAIN THE INFORMATION REQUIRED BY SUBSECTION B OF THIS SECTION.**

18 E. Subsections A, B, C and D **OF THIS SECTION** do not apply to any of  
19 the following:

20 1. The sale, transfer or furnishing of ordinary ephedrine,  
21 pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine products.

22 2. The sale for personal use of ephedrine, pseudoephedrine,  
23 (-)-norpseudoephedrine or phenylpropanolamine products totaling ~~four~~ **THREE**  
24 packages or less **OR NINE GRAMS OR LESS.**

25 3. The sale, transfer or furnishing of a precursor chemical or  
26 regulated chemical by a wholesaler or manufacturer if both parties to the  
27 transaction possess a valid and current permit issued pursuant to title 32,  
28 chapter 18 and a valid and current precursor list I chemical distributor  
29 registration or controlled substance distributor registration issued pursuant  
30 to the federal act.

31 F. Any manufacturer, wholesaler, retailer or other person who sells,  
32 transfers or otherwise furnishes any precursor chemical or regulated chemical  
33 to any person in this state in a suspicious transaction shall report the  
34 transaction in writing to the department of public safety **WITHIN THREE DAYS**  
35 **AFTER THE TRANSACTION.**

36 G. A person who is regulated by ~~the provisions of~~ this chapter and who  
37 discovers the theft, disappearance or other loss of any precursor chemical ~~II~~  
38 or regulated chemical ~~or the excessive or unusual loss of any precursor~~  
39 ~~chemical-I~~ shall report the theft or loss in writing to the department of  
40 public safety within three days after such discovery. Any difference between  
41 the quantity of any precursor chemical ~~II~~ or regulated chemical received and  
42 the quantity shipped ~~and any excessive or unusual loss of any precursor~~  
43 ~~chemical-I shipped~~ shall be reported in writing to the department of public  
44 safety within three days of actual knowledge of the discrepancy. A report  
45 made pursuant to this subsection shall also include the name of the common

1 carrier or person who transports the substance and the date of shipment of  
2 the substance.

3 H. Any manufacturer, wholesaler, retailer or other person who sells,  
4 transfers or otherwise furnishes any precursor chemical or regulated chemical  
5 to any person in this state shall maintain records ~~as described in subsection~~  
6 ~~B relating to all such transactions for not less than two years, except that~~  
7 ~~this requirement does not apply to sales for personal use of ordinary~~  
8 ~~ephedrine, pseudoephedrine, (-) norpseudoephedrine or phenylpropanolamine~~  
9 ~~products by a permitted retailer.~~ THE RECORDS SHALL BE READILY RETRIEVABLE  
10 BY ANY PEACE OFFICER FOR THE PURPOSE OF REVIEWING ALL INVOICES, RECORDS,  
11 BILLS OR OTHER PAPERS AND DOCUMENTS RELATING TO THE PURCHASE, SALE AND  
12 DELIVERY OF PRECURSOR CHEMICALS AND REGULATED CHEMICALS. These records shall  
13 be open for inspection and copying by peace officers in the performance of  
14 their duties. A peace officer shall not divulge pricing information obtained  
15 pursuant to this subsection except in connection with a prosecution,  
16 investigation, judicial proceeding or administrative proceeding or in  
17 response to a judicial order. FOR THE PURPOSES OF THIS SUBSECTION, "READILY  
18 RETRIEVABLE" MEANS:

19 1. IF THE PERMIT ADDRESS IS IN THIS STATE, THAT THE RECORDS ARE  
20 AVAILABLE FOR INSPECTION WITHOUT PRIOR NOTICE AT THE PERMIT ADDRESS.

21 2. IF THE PERMIT ADDRESS IS IN A STATE OTHER THAN THIS STATE, THAT THE  
22 RECORDS MUST BE FURNISHED WITHIN THREE WORKING DAYS BY COURIER, FAX, MAIL OR  
23 ELECTRONIC MAIL.

24 I. This section does not apply to any of the following transactions:

25 1. The sale, transfer or furnishing to or by any practitioner or any  
26 pharmacist acting pursuant to a prescription.

27 2. The sale, transfer or furnishing to or by a hospital, long-term  
28 health care provider or managed health care provider or any other licensed or  
29 permitted health care provider that administers or dispenses precursor  
30 chemical I medication under the supervision of a practitioner.

31 3. The sale, transfer or furnishing of iodine either:

32 (a) In an amount of two ounces or less by weight.

33 (b) To a licensed or permitted wholesaler, VETERINARIAN, VETERINARY  
34 CLINIC, health care facility, pharmacy or practitioner.

35 (c) As a tincture of iodine or topical solution of iodine IN AN AMOUNT  
36 OF ONE PINT OR LESS.

37 ~~4. The sale, transfer or furnishing of red phosphorous in an amount of~~  
38 ~~less than four ounces.~~

39 ~~5.~~ 4. The movement from one facility of a licensee or permittee to  
40 another facility of the same licensee or permittee without sale.

41 ~~6. The sale, transfer or furnishing of dietary supplements if all of~~  
42 ~~the following apply:~~

43 ~~(a) The dietary supplements are not otherwise prohibited by law.~~



~~(b) The dietary supplements contain naturally occurring ephedrine, ephedrine alkaloids or pseudoephedrine, or their salts, isomers or salts of isomers, or a combination of these substances that both:~~

~~(i) Are contained in the matrix of organic material in which they naturally occur.~~

~~(ii) Do not exceed five per cent of the total weight of the natural product.~~

~~(c) The dietary supplements are manufactured and distributed for legitimate use in a manner that reduces or eliminates the likelihood of abuse.~~

~~(d) The dietary supplements are labeled in compliance with the dietary supplement health and education act of 1994 (21 United States Code section 321).~~

5. THE SALE, TRANSFER OR FURNISHING OF ANHYDROUS AMMONIA IF THE SUBSTANCE IS USED IN THE REGULAR COURSE OF LAWFUL AGRICULTURAL OPERATIONS AS DEFINED IN SECTION 3-111 OR USED IN AN ACTIVELY OPERATING BUSINESS OR OTHER LAWFUL ACTIVITY THAT PROVIDES OR USES ANHYDROUS AMMONIA FOR REFRIGERATION APPLICATIONS.

J. The department of public safety shall grant an exemption from the reporting requirements under subsection C OF THIS SECTION to any person who supplies a precursor chemical or regulated chemical if the person can demonstrate to the department's satisfaction that the recipient requires the substance for a lawful purpose and that special circumstances prevent the supplier from reporting the transaction to the department twenty-one days or more before delivery.

K. The director of the department of public safety may adopt rules to carry out ~~the provisions of~~ this section which are not inconsistent with the statutes of this state.

L. A permitted manufacturer, wholesaler or retailer who sells, transfers or otherwise furnishes any precursor chemical or regulated chemical to any person in this state may satisfy the reporting or record keeping requirements of this section by submitting to the department of public safety either:

1. Computer readable data from which all of the required information may be derived.

2. Copies of reports that are filed pursuant to federal law and that contain all of the information required by this section.

M. This chapter does not preclude any person, including a licensee, permittee, manufacturer, wholesaler or retailer, from instituting contact with and disclosing transactions or transaction records to appropriate federal, state or local law enforcement agencies if the person has information that may be relevant to a possible violation of any criminal statute or to the evasion or attempted evasion of any reporting or record keeping requirement of this chapter.

N. Any person, including a licensee, permittee, manufacturer, wholesaler or retailer or any officer, employee or agent of any licensee, permittee, manufacturer, wholesaler or retailer, that keeps or files a record as prescribed by this section or that communicates or discloses information or records under this section is not liable to its customer, a state or local agency or any person for any loss or damage caused in whole or in part by the making, filing or governmental use of the report or any information contained in that report.

O. Notwithstanding any other law, a county, city or town shall not enact an ordinance that is more restrictive than the requirements of this section.

P. It is unlawful for a person to knowingly:

1. Fail to submit a report that is required by this section.
2. Fail to maintain a record that is required by this section.
3. Furnish false information or omit any material information in any report or record that is required by this section.
4. Cause another person to furnish false information or to omit any material information in any report or record that is required by this section.
5. Participate in any wholesale or retail transaction or series of transactions that is structured by a person with the intent to avoid the filing by any party to the transaction of any report that is required by this section.

Q. A person who violates subsection P, paragraph 3, 4 or 5 OF THIS SECTION is guilty of a class 5 felony. A person who violates subsection P, paragraph 1 or 2 OF THIS SECTION is guilty of a class 6 felony.

Sec. 3. Section 13-3404.01, Arizona Revised Statutes, is amended to read:

13-3404.01. Possession or sale of precursor chemicals, regulated chemicals, substances or equipment; exceptions; classification

A. A person shall not do any of the following:

1. Knowingly possess a precursor chemical II.
2. Knowingly possess OR PURCHASE more than ~~twenty-four~~ NINE grams of pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine without a license or permit issued pursuant to title 32, chapter 18.
3. Knowingly purchase more than three packages, not to exceed nine grams of pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine without a valid prescription order as defined in section 32-1901 or a license or permit issued pursuant to title 32, chapter 18.
4. Knowingly possess any ephedrine that is uncombined or that is the sole active ingredient of a product or more than ~~twenty-four~~ NINE grams of ephedrine that is combined with another active ingredient in any ephedrine product without a license or permit issued pursuant to title 32, chapter 18.

1           5. Knowingly purchase any ephedrine that is uncombined or is the sole  
2 active ingredient of a product or more than three packages, not to exceed  
3 nine grams of ephedrine that is combined with another active ingredient in  
4 any ephedrine product without a license or permit issued pursuant to title  
5 32, chapter 18.

6           6. Sell, transfer or otherwise furnish any precursor chemical,  
7 regulated chemical or other substance or equipment with knowledge **OR WITH**  
8 **REASON TO KNOW** that the recipient will use the precursor chemical, regulated  
9 chemical, substance or equipment to unlawfully manufacture a dangerous drug  
10 or narcotic drug.

11           7. As a manufacturer, wholesaler or retailer, knowingly possess any  
12 precursor chemical or regulated chemical from which the label, the national  
13 drug control number or the manufacturer's lot number has been removed,  
14 altered or obliterated, except that a licensed manufacturer may relabel  
15 products as permitted under the federal act.

16           8. Knowingly sell, transfer or otherwise furnish more than nine grams  
17 of any precursor chemical without a license or permit issued pursuant to  
18 title 32, chapter 18.

19           9. Sell, transfer or furnish ephedrine, pseudoephedrine,  
20 (-)-norpseudoephedrine or phenylpropanolamine in a total amount of more than  
21 nine grams in a single transaction in this state unless the recipient  
22 possesses a valid and current permit issued by the board pursuant to title  
23 32, chapter 18.

24           10. Sell, transfer or otherwise furnish a precursor chemical in  
25 violation of any rule of the board or the department of public safety.

26           11. As a wholesaler or retailer, purchase or otherwise acquire or  
27 receive a precursor chemical from any person who does not possess a valid and  
28 current permit issued pursuant to title 32, chapter 18.

29           12. Knowingly participate in any transaction or series of transactions  
30 that is structured by any person with the intent to avoid or circumvent the  
31 prohibitions or limits on sales established by this section.

32           **13. KNOWINGLY TAMPER WITH EQUIPMENT THAT IS MANUFACTURED AND USED TO**  
33 **HOLD, APPLY OR TRANSPORT ANHYDROUS AMMONIA WITHOUT THE EXPRESS CONSENT OF THE**  
34 **OWNER OF THE EQUIPMENT.**

35           **14. KNOWINGLY POSSESS, TRANSPORT, TRANSFER OR MAINTAIN CONDENSED**  
36 **AMMONIA IN A CONTAINER OR RECEPTACLE THAT IS NOT DESIGNED AND MANUFACTURED TO**  
37 **HOLD ANHYDROUS AMMONIA AS SPECIFIED BY 49 CODE OF FEDERAL REGULATIONS PART**  
38 **173. FOR THE PURPOSES OF THIS PARAGRAPH, "CONDENSED AMMONIA" MEANS AMMONIA**  
39 **IN ITS LIQUID FORM AND INCLUDES ANHYDROUS AMMONIA. CONDENSED AMMONIA DOES**  
40 **NOT INCLUDE COMMERCIAL WATER SOLUTIONS OF AMMONIA.**

41           **15. KNOWINGLY POSSESS OR TRANSPORT A REGULATED CHEMICAL, UNLESS ONE OF**  
42 **THE FOLLOWING APPLIES:**

43           **(a) THE PERSON IS CONDUCTING A LICENSED BUSINESS THAT INVOLVES THE**  
44 **REGULATED CHEMICAL.**

1 (b) THE SUBSTANCE IS FOR A CHEMISTRY OR CHEMISTRY-RELATED LABORATORY  
2 THAT IS MAINTAINED BY A PUBLIC OR PRIVATE REGULARLY ESTABLISHED SECONDARY  
3 SCHOOL OR A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION THAT IS  
4 ACCREDITED BY A REGIONAL OR NATIONAL ACCREDITING AGENCY RECOGNIZED BY THE  
5 UNITED STATES DEPARTMENT OF EDUCATION.

6 (c) THE PERSON IS A RETAIL DISTRIBUTOR, WHOLESALER, MANUFACTURER,  
7 WAREHOUSEMAN OR COMMON CARRIER OR AN AGENT OF ANY OF THESE PERSONS WHO  
8 POSSESSES THE REGULATED CHEMICAL IN THE REGULAR COURSE OF LAWFUL BUSINESS  
9 ACTIVITIES.

10 (d) THE SUBSTANCE IS PART OF A COMMERCIALY PRODUCED PRODUCT.

11 (e) THE REGULATED CHEMICAL IS USED IN THE REGULAR COURSE OF LAWFUL  
12 AGRICULTURAL OPERATIONS AS DEFINED IN SECTION 3-111 OR ANIMAL HUSBANDRY.

13 (f) THE PERSON HAS DOCUMENTATION SHOWING THAT THE REGULATED CHEMICAL  
14 WAS OBTAINED LEGALLY THROUGH THE REQUIREMENTS OF THIS CHAPTER.

15 B. A retailer shall not knowingly sell, transfer or otherwise furnish  
16 a precursor chemical unless:

17 1. The transaction occurs in the normal course of business at premises  
18 that are permitted pursuant to title 32, chapter 18.

19 2. The retailer has a valid and current permit that is issued pursuant  
20 to title 32, chapter 18 and that is prominently displayed at the premises  
21 where the transaction occurs.

22 C. A retailer shall not sell more than a total of three packages, not  
23 to exceed nine grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or  
24 phenylpropanolamine in a single transaction unless the person has a valid  
25 prescription order as defined in section 32-1901.

26 D. A wholesaler shall not sell, transfer or otherwise furnish a  
27 precursor chemical to any person unless:

28 1. The wholesaler has a valid and current permit issued pursuant to  
29 title 32, chapter 18.

30 2. The recipient has a permit issued pursuant to title 32, chapter 18,  
31 is a pharmacy or is a practitioner.

32 3. The transaction does not involve payment in cash or money orders in  
33 an amount of more than one thousand dollars.

34 E. A manufacturer shall not sell, transfer or otherwise furnish a  
35 precursor chemical to any person unless:

36 1. The recipient is licensed or has a permit issued pursuant to title  
37 32, chapter 18, is a pharmacy or is a practitioner.

38 2. The transaction does not involve payment in cash or money orders in  
39 an amount of more than one thousand dollars.

40 F. This section does not apply to any of the following:

41 1. The transfer by a licensee or permittee to a reclamation facility  
42 for destruction.

43 2. The movement from one facility of a licensee or permittee to  
44 another facility of the same licensee or permittee without sale.

1 G. Notwithstanding any other law, a county, city or town shall not  
2 enact an ordinance that is more restrictive than the requirements of this  
3 section.

4 H. A violation of subsection A, paragraph 1 or 6 OF THIS SECTION is a  
5 class 2 felony. A violation of subsection A, paragraph 2, 3, 4, 5, 7, 9, 11,  
6 ~~or~~ 12, 13 OR 14 OF THIS SECTION is a class 5 felony. A violation of  
7 subsection A, paragraph 8, ~~or~~ 10 OR 15 OF THIS SECTION is a class 6 felony.  
8 A violation of subsection B, D or E OF THIS SECTION is a class 5 felony. A  
9 violation of subsection C OF THIS SECTION is a class 5 felony, except that if  
10 the violation involves less than a total of fifty grams of ephedrine,  
11 pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine, the first  
12 violation is a class 2 misdemeanor and the second violation is a class 1  
13 misdemeanor. An enterprise is not criminally accountable for a violation of  
14 subsection C OF THIS SECTION unless the conduct constituting the offense is  
15 engaged in, authorized, commanded or recklessly tolerated by the directors of  
16 the enterprise in any manner or by a high managerial agent acting within the  
17 scope of employment.

18 Sec. 4. Section 13-3623, Arizona Revised Statutes, is amended to read:

19 13-3623. Child or vulnerable adult abuse; emotional abuse;  
20 classification; exception; definitions

21 A. Under circumstances likely to produce death or serious physical  
22 injury, any person who causes a child or vulnerable adult to suffer physical  
23 injury, ~~or, having the care or custody of a child or vulnerable adult,~~ who  
24 causes or permits the person or health of ~~the~~ A child or vulnerable adult to  
25 be injured or who causes or permits a child or vulnerable adult to be placed  
26 in a situation where the person or health of the child or vulnerable adult is  
27 endangered is guilty of an offense as follows:

28 1. If done intentionally or knowingly, the offense is a class 2 felony  
29 and if the victim is under fifteen years of age it is punishable pursuant to  
30 section 13-604.01.

31 2. If done recklessly, the offense is a class 3 felony.

32 3. If done with criminal negligence, the offense is a class 4 felony.

33 B. Under circumstances other than those likely to produce death or  
34 serious physical injury to a child or vulnerable adult, any person who causes  
35 a child or vulnerable adult to suffer physical injury or abuse, ~~or, having~~  
36 ~~the care or custody of a child or vulnerable adult,~~ who causes or permits the  
37 person or health of ~~the~~ A child or vulnerable adult to be injured or who  
38 causes or permits a child or vulnerable adult to be placed in a situation  
39 where the person or health of the child or vulnerable adult is endangered is  
40 guilty of an offense as follows:

41 1. If done intentionally or knowingly, the offense is a class 4  
42 felony.

43 2. If done recklessly, the offense is a class 5 felony.

44 3. If done with criminal negligence, the offense is a class 6 felony.

C. For the purposes of subsections A and B of this section, the terms endangered and abuse include but are not limited to circumstances in which a child or vulnerable adult is permitted to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment is possessed by any person for the purpose of manufacturing a dangerous drug in violation of section 13-3407, subsection A, paragraph 4.

D. A person who intentionally or knowingly engages in emotional abuse of a vulnerable adult who is a patient or resident in any setting in which health care, health-related services or assistance with one or more of the activities of daily living is provided or, having the care or custody of a vulnerable adult, who intentionally or knowingly subjects or permits the vulnerable adult to be subjected to emotional abuse is guilty of a class 6 felony.

E. This section does not apply to:

1. A health care provider as defined in section 36-3201 who permits a patient to die or the patient's condition to deteriorate by not providing health care if that patient refuses that care directly or indirectly through a health care directive as defined in section 36-3201, through a surrogate pursuant to section 36-3231 or through a court appointed guardian as provided for in title 14, chapter 5, article 3.

2. A vulnerable adult who is being furnished spiritual treatment through prayer alone and who would not otherwise be considered to be abused, neglected or endangered if medical treatment were being furnished.

F. For the purposes of this section:

1. "Abuse", when used in reference to a child, means abuse as defined in section 8-201, except for those acts in the definition that are declared unlawful by another statute of this title and, when used in reference to a vulnerable adult, means:

- (a) Intentional infliction of physical harm.
- (b) Injury caused by criminally negligent acts or omissions.
- (c) Unlawful imprisonment, as described in section 13-1303.
- (d) Sexual abuse or sexual assault.

2. "Child" means an individual who is under eighteen years of age.

3. "Emotional abuse" means a pattern of ridiculing or demeaning a vulnerable adult, making derogatory remarks to a vulnerable adult, verbally harassing a vulnerable adult or threatening to inflict physical or emotional harm on a vulnerable adult.

4. "Physical injury" means the impairment of physical condition and includes any skin bruising, pressure sores, bleeding, failure to thrive, malnutrition, dehydration, burns, fracture of any bone, subdural hematoma, soft tissue swelling, injury to any internal organ or any physical condition that imperils health or welfare.

5. "Serious physical injury" means physical injury that creates a reasonable risk of death or that causes serious or permanent disfigurement,

1 serious impairment of health or loss or protracted impairment of the function  
2 of any bodily organ or limb.

3 6. "Vulnerable adult" means an individual who is eighteen years of age  
4 or older and who is unable to protect himself from abuse, neglect or  
5 exploitation by others because of a mental or physical impairment.

6 Sec. 5. Section 13-3967, Arizona Revised Statutes, is amended to read:  
7 13-3967. Release on bailable offenses before trial; definition

8 A. At his appearance before a judicial officer, any person who is  
9 charged with a public offense that is bailable as a matter of right shall be  
10 ordered released pending trial on his own recognizance or on the execution of  
11 bail in an amount specified by the judicial officer.

12 B. In determining the method of release or the amount of bail, the  
13 judicial officer, on the basis of available information, shall take into  
14 account all of the following:

- 15 1. The views of the victim.
- 16 2. The nature and circumstances of the offense charged.
- 17 3. The weight of evidence against the accused.
- 18 4. The accused's family ties, employment, financial resources,  
19 character and mental condition.
- 20 5. The results of any drug test submitted to the court.
- 21 6. ~~EXCEPT AS PROVIDED IN PARAGRAPH 7 OF THIS SUBSECTION,~~ whether the  
22 accused is using any substance if its possession or use is illegal pursuant  
23 to chapter 34 of this title.

24 7. Whether the accused ~~violated section 13-3407, subsection A,~~  
25 ~~paragraph 2, 3, 4 or 7 involving methamphetamine or section 13-3407.01~~ IS IN  
26 ANY MANNER DEPENDENT ON METHAMPHETAMINE OR HAS A PATTERN OF REGULAR ILLEGAL  
27 USE OF METHAMPHETAMINE. A REBUTTABLE PRESUMPTION THAT NO CONDITION OF  
28 RELEASE OR AMOUNT OF BAIL WOULD ASSURE THE SAFETY OF THE COMMUNITY OR ANY  
29 PERSON IN THE COMMUNITY ARISES IF THE STATE SHOWS BY A PREPONDERANCE OF THE  
30 EVIDENCE THAT BOTH:

31 (a) THE ACCUSED WAS ARRESTED FOR A VIOLATION OF MANUFACTURING OR  
32 ATTEMPTING TO MANUFACTURE METHAMPHETAMINE OR FOR POSSESSING PRECURSOR OR  
33 REGULATED CHEMICALS WITH THE INTENT TO MANUFACTURE METHAMPHETAMINE.

34 (b) THE ACCUSED IS IN ANY MANNER DEPENDENT ON METHAMPHETAMINE OR HAS A  
35 PATTERN OF REGULAR ILLEGAL USE OF METHAMPHETAMINE AND THE VIOLATION WAS  
36 COMMITTED OR ATTEMPTED IN ORDER TO MAINTAIN OR FACILITATE THE DEPENDENCE OR  
37 PATTERN OF ILLEGAL USE.

- 38 8. The length of residence in the community.
- 39 9. The accused's record of arrests and convictions.
- 40 10. The accused's record of appearance at court proceedings or of  
41 flight to avoid prosecution or failure to appear at court proceedings.

42 C. If a judicial officer orders the release of a defendant who is  
43 charged with a felony either on his own recognizance or on bail, the judicial  
44 officer shall condition the defendant's release on the defendant's good  
45 behavior while so released. On a showing of probable cause that the

1 defendant committed any offense during the period of release, a judicial  
2 officer may revoke the defendant's release pursuant to section 13-3968.

3 D. After providing notice to the victim pursuant to section 13-4406, a  
4 judicial officer may impose any of the following conditions on a person who  
5 is released on his own recognizance or on bail:

6 1. Place the person in the custody of a designated person or  
7 organization agreeing to supervise him.

8 2. Place restrictions on the person's travel, associates or place of  
9 abode during the period of release.

10 3. Require the deposit with the clerk of the court of cash or other  
11 security, such deposit to be returned on the performance of the conditions of  
12 release.

13 4. Prohibit the person from possessing any dangerous weapon or  
14 engaging in certain described activities or indulging in intoxicating liquors  
15 or certain drugs.

16 5. Require the person to report regularly to and remain under the  
17 supervision of an officer of the court.

18 6. Impose any other conditions deemed reasonably necessary to assure  
19 appearance as required including a condition requiring that the person return  
20 to custody after specified hours.

21 E. In addition to any of the conditions a judicial officer may impose  
22 pursuant to subsection D of this section, the judicial officer shall impose  
23 both of the following conditions on a person who is charged with a felony  
24 violation of chapter 14 or 35.1 of this title and who is released on his own  
25 recognizance or on bail:

26 1. Electronic monitoring where available.

27 2. A condition prohibiting the person from having any contact with the  
28 victim.

29 F. The judicial officer who authorizes the release of the person  
30 charged on his own recognizance or on bail shall do all of the following:

31 1. Issue an appropriate order containing statements of the conditions  
32 imposed.

33 2. Inform the person of the penalties that apply to any violation of  
34 the conditions of release.

35 3. Advise the person that a warrant for his arrest may be issued  
36 immediately on any violation of the conditions of release.

37 G. At any time after providing notice to the victim pursuant to  
38 section 13-4406, the judicial officer who orders the release of a person on  
39 any condition specified in this section or the court in which a prosecution  
40 is pending may amend the order to employ additional or different conditions  
41 of release, including either an increase or reduction in the amount of  
42 bail. On application, the defendant shall be entitled to have the conditions  
43 of release reviewed by the judicial officer who imposed them or by the court  
44 in which the prosecution is pending. Reasonable notice of the application  
45 shall be given to the county attorney and the victim.



H. Any information that is stated or offered in connection with any order pursuant to this section need not conform to the rules pertaining to admissibility of evidence in a court of law.

I. This section does not prevent the disposition of any case or class of cases by forfeiture of bail or collateral security if such disposition is authorized by the court.

J. A judicial officer who orders the release of a juvenile who has been transferred to the criminal division of the superior court pursuant to section 8-327 or who has been charged as an adult pursuant to section 13-501 shall notify the appropriate school district on the release of the juvenile from custody.

K. For the purposes of this section and section 13-3968, "judicial officer" means any person or court authorized pursuant to the constitution or laws of this state to bail or otherwise release a person before trial or sentencing or pending appeal.

Sec. 6. Section 15-712, Arizona Revised Statutes, is amended to read:

15-712. Instruction on alcohol, tobacco, narcotic drugs, marijuana, date rape drugs and other dangerous drugs; chemical abuse prevention programs; definitions

A. Instruction on the nature and harmful effects of alcohol, tobacco, narcotic drugs, marijuana, date rape drugs and other dangerous drugs on the human system and instruction on the laws related to the control of these substances and the nonuse and prevention of use and abuse of alcohol, tobacco, narcotic drugs, marijuana, date rape drugs and other dangerous drugs may be included in the courses of study in common and high schools, with emphasis on grades four through nine. Instruction on the nature and harmful effects of alcohol, tobacco, narcotic drugs, marijuana, date rape drugs and other dangerous drugs on a human fetus may be included in the courses of study in grades six through twelve. The instruction may be integrated into existing health, science, citizenship or similar studies and shall meet the criteria for chemical abuse prevention education programs developed pursuant to subsection C of this section.

B. At the request of a school district, the department of education shall provide technical assistance to school districts that choose to implement programs to prevent chemical abuse.

C. The department of education and the department of health services, in consultation with the ~~committee~~ COUNCIL established pursuant to section 41-617, shall establish an interagency committee to coordinate their assistance to school districts.

D. The state board of education may accept gifts and grants and shall distribute them and monies appropriated for chemical abuse prevention programs to school districts to assist with the costs of programs designed to prevent chemical abuse by pupils in kindergarten programs and grades one through twelve. School districts which have approved chemical abuse prevention policies and procedures as prescribed in section 15-345 are

1 eligible for a maximum of one dollar for each pupil or one thousand dollars,  
 2 whichever is more. If sufficient monies are not available to meet all  
 3 requests, the state board shall determine which school districts to fund  
 4 based on need, availability of other programs or sources of revenue and the  
 5 likelihood of the school district's proposed program successfully meeting  
 6 needs identified by the school district. A school district shall include the  
 7 monies it receives for chemical abuse prevention programs under this section  
 8 in the special projects section of the budget as provided in section 15-903,  
 9 subsection F.

10 E. For the ~~purpose~~ PURPOSES of this section:

11 1. "Date rape drug" means a drug ~~prescribed~~ LISTED in section 13-3401,  
 12 paragraph 30, subdivisions ~~(f) through (m)~~ (g), (h) AND (i).

13 2. "Narcotic drug", "marijuana" and "dangerous drug" have the same  
 14 meaning prescribed in section 13-3401.

15 Sec. 7. Section 32-1904, Arizona Revised Statutes, is amended to read:  
 16 32-1904. Powers and duties of board; immunity

17 A. The board shall:

18 1. Make bylaws and adopt rules that are necessary for the protection  
 19 of the public and that pertain to the practice of pharmacy, the  
 20 manufacturing, wholesaling or supplying of drugs, devices, poisons or  
 21 hazardous substances, the use of pharmacy technicians and support personnel  
 22 and the lawful performance of its duties.

23 2. Fix standards and requirements for the registration and  
 24 reregistration of pharmacies, except as otherwise specified.

25 3. Investigate compliance as to the quality, label and labeling of all  
 26 drugs, devices, poisons or hazardous substances and take action necessary to  
 27 prevent the sale of these if they do not conform to the standards prescribed  
 28 in this chapter, the official compendium or the federal act.

29 4. Enforce its rules. In so doing, the board or its agents have free  
 30 access at all reasonable hours to any pharmacy, manufacturer, wholesaler,  
 31 nonprescription drug permittee or other establishment in which drugs,  
 32 devices, poisons or hazardous substances are manufactured, processed, packed  
 33 or held, or to enter any vehicle being used to transport or hold such drugs,  
 34 devices, poisons or hazardous substances for the purpose:

35 (a) Of inspecting the establishment or vehicle to determine if ~~any of~~  
 36 ~~the provisions of~~ this chapter or the federal act ~~are~~ IS being violated.

37 (b) Of securing samples or specimens of any drug, device, poison or  
 38 hazardous substance after paying or offering to pay for such sample.

39 (c) Of detaining or embargoing a drug, device, poison or hazardous  
 40 substance in accordance with section 32-1994.

41 5. Examine and license as pharmacists and pharmacy interns all  
 42 qualified applicants as provided by this chapter.

43 6. Issue duplicates of lost or destroyed permits on the payment of a  
 44 fee as prescribed by the board.

1           7. Adopt rules for the rehabilitation of pharmacists and pharmacy  
2 interns as provided by this chapter.

3           8. At least once every three months notify pharmacies regulated  
4 pursuant to this chapter of any modifications on prescription writing  
5 privileges of podiatrists, dentists, doctors of medicine, registered nurse  
6 practitioners, osteopathic physicians, veterinarians, physician assistants,  
7 optometrists and homeopathic physicians of which it receives notification  
8 from the board of podiatry examiners, board of dental examiners, Arizona  
9 medical board, board of nursing, board of osteopathic examiners in medicine  
10 and surgery, veterinary medical examining board, ARIZONA regulatory board of  
11 physician assistants, board of optometry or board of homeopathic medical  
12 examiners.

13           B. The board may:

14           1. Employ chemists, compliance officers, clerical help and other  
15 employees and provide laboratory facilities for the proper conduct of its  
16 business.

17           2. Provide, by education of and information to the licensees and to  
18 the public, assistance in the curtailment of abuse in the use of drugs,  
19 devices, poisons and hazardous substances.

20           3. Approve or reject the manner of storage and security of drugs,  
21 devices, poisons and hazardous substances.

22           4. Accept monies and services to assist in the enforcement of ~~the~~  
23 ~~provisions of~~ this chapter from other than licensees:

24           (a) For performing inspections and other board functions.

25           (b) For the cost of copies of the pharmacy and controlled substances  
26 laws, the annual report of the board, and other information from the board.

27           5. Adopt rules for professional conduct appropriate to the  
28 establishment and maintenance of a high standard of integrity and dignity in  
29 the profession of pharmacy.

30           6. Grant permission to deviate from a state requirement for  
31 experimentation and technological advances.

32           7. Adopt rules for the training and practice of pharmacy interns,  
33 pharmacy technicians and support personnel.

34           8. Investigate alleged violations of this chapter, conduct hearings in  
35 respect to violations, subpoena witnesses and take such action as it deems  
36 necessary to revoke or suspend a license or a permit, place a licensee or  
37 permittee on probation or warn a licensee or permittee under this chapter or  
38 to bring notice of violations to the county attorney of the county in which a  
39 violation took place or to the attorney general.

40           9. By rule approve colleges or schools of pharmacy.

41           10. By rule approve programs of practical experience, clinical  
42 programs, internship training programs, programs of remedial academic work  
43 and preliminary equivalency examinations as provided by this chapter.

44           11. Assist in the continuing education of pharmacists and pharmacy  
45 interns.

12. Issue inactive status licenses as provided by this chapter.

13. Accept monies and services from the federal government or others for educational, research or other purposes pertaining to the enforcement of this chapter.

14. By rule except from the application of all or any part of this chapter any material, compound, mixture or preparation containing any stimulant or depressant substance included in section 13-3401, paragraph 6, subdivision (b) or (c) from the definition of dangerous drug if the material, compound, mixture or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, provided that such admixtures are included in such combinations, quantity, proportion or concentration as to vitiate the potential for abuse of the substances that do have a stimulant or depressant effect on the central nervous system.

15. Adopt rules for the revocation, suspension or reinstatement of licenses or permits or the probation of licensees or permittees as provided by this chapter.

16. BY RULE, EXEMPT OTHER PRODUCTS FROM SCHEDULE V UNDER SECTION 36-2516 THAT THE BOARD FINDS ARE NOT USED IN THE ILLEGAL MANUFACTURE OF METHAMPHETAMINE OR OTHER CONTROLLED DANGEROUS SUBSTANCES. A MANUFACTURER OF A DRUG PRODUCT MAY APPLY FOR REMOVAL OF THE PRODUCT FROM SCHEDULE V IF THE PRODUCT IS DETERMINED BY THE BOARD TO HAVE BEEN FORMULATED IN SUCH A WAY AS TO EFFECTIVELY PREVENT THE CONVERSION OF THE ACTIVE INGREDIENT INTO METHAMPHETAMINE.

C. The executive director and other permanent or temporary personnel or agents of the board are not subject to civil liability for any act done or proceeding undertaken or performed in good faith and in furtherance of the purposes of this chapter.

Sec. 8. Title 32, chapter 18, article 3, Arizona Revised Statutes, is amended by adding sections 32-1973 and 32-1974, to read:

32-1973. Pseudoephedrine sales; purchaser identification; penalties

A. ANY COMPOUND, MIXTURE OR PREPARATION THAT CONTAINS ANY DETECTABLE QUANTITY OF PSEUDOEPHEDRINE, ITS SALTS OR OPTICAL ISOMERS OR SALTS OF ITS OPTICAL ISOMERS MAY ONLY BE DISPENSED, SOLD OR DISTRIBUTED BY A PHARMACIST OR PHARMACY TECHNICIAN WHO IS LICENSED PURSUANT TO THIS CHAPTER. THIS SUBSECTION DOES NOT APPLY TO LIQUID, LIQUID CAPSULE OR GEL CAPSULE FORMS OF THESE PRODUCTS.

B. A PHARMACIST OR PHARMACY TECHNICIAN SHALL NOT DISPENSE, SELL OR DISTRIBUTE TO A PERSON MORE THAN NINE GRAMS OF PSEUDOEPHEDRINE, ITS SALTS OR OPTICAL ISOMERS OR SALTS OF ITS OPTICAL ISOMERS, WITHIN A THIRTY DAY PERIOD. THIS SUBSECTION DOES NOT APPLY TO ANY QUANTITY THAT IS DISPENSED PURSUANT TO A VALID PRESCRIPTION.

C. AT THE TIME OF MAKING A PURCHASE, A PERSON WHO PURCHASES PSEUDOEPHEDRINE, ITS SALTS OR OPTICAL ISOMERS OR SALTS OF ITS OPTICAL ISOMERS

1 SHALL PROVIDE ACCEPTABLE PHOTO IDENTIFICATION TO THE PHARMACIST OR PHARMACY  
2 TECHNICIAN. ACCEPTABLE PHOTO IDENTIFICATION MAY INCLUDE:

3 1. A DRIVER LICENSE OR OTHER STATE ISSUED PERSONAL IDENTIFICATION  
4 CERTIFICATE.

5 2. A PASSPORT.

6 3. A TRIBAL IDENTIFICATION CARD.

7 D. A LICENSEE SHALL REQUIRE A PURCHASER TO SIGN A WRITTEN LOG THAT  
8 SHOWS THE DATE OF THE TRANSACTION, THE NAME AND BIRTH DATE OF THE PURCHASER  
9 AND THE AMOUNT OF THE COMPOUND, MIXTURE OR PREPARATION PURCHASED. THE  
10 LICENSEE SHALL MAINTAIN THE LOG IN A MANNER THAT DOES NOT DISCLOSE THE  
11 IDENTITY OF THE PURCHASER TO ANY OTHER PERSON EXCEPT A PHARMACIST OR OTHER  
12 INDIVIDUAL WHO IS LICENSED PURSUANT TO THIS CHAPTER OR TO LAW ENFORCEMENT. A  
13 LICENSEE WHO FAILS TO MAINTAIN THE LOG AS PRESCRIBED BY THIS SUBSECTION  
14 COMMITS AN ACT OF UNPROFESSIONAL CONDUCT AND IS SUBJECT TO DISCIPLINARY  
15 ACTION AS FOLLOWS:

16 1. FOR A FIRST VIOLATION, A LETTER OF CONCERN.

17 2. FOR A SECOND VIOLATION, A CIVIL PENALTY OF FIFTY DOLLARS.

18 3. FOR A THIRD VIOLATION, A CIVIL PENALTY OF ONE HUNDRED FIFTY  
19 DOLLARS.

20 4. FOR A FOURTH VIOLATION, A CIVIL PENALTY OF THREE HUNDRED DOLLARS.

21 5. FOR A FIFTH VIOLATION, A CIVIL PENALTY OF FIVE HUNDRED DOLLARS.

22 E. A PERSON WHO OFFERS OR PRESENTS, WHETHER ACCEPTED OR NOT, A FORGED  
23 INSTRUMENT OR AN INSTRUMENT THAT CONTAINS FALSE INFORMATION FOR USE AS  
24 IDENTIFICATION DURING THE COURSE OF A TRANSACTION FOR THE PURCHASE OF  
25 PSEUDOEPHEDRINE PRODUCTS IN EXCESS OF THE LEGAL LIMIT MAY BE PROSECUTED  
26 PURSUANT TO SECTION 13-2002, SUBSECTION A, PARAGRAPH 3. IN ANY PROSECUTION  
27 PURSUANT TO SECTION 13-2002, SUBSECTION A, PARAGRAPH 3, THE KNOWING  
28 PRESENTATION OF A FORGED INSTRUMENT OR AN INSTRUMENT THAT CONTAINS FALSE  
29 INFORMATION DURING THE COURSE OF A TRANSACTION FOR THE PURCHASE OF  
30 PSEUDOEPHEDRINE PRODUCTS IN EXCESS OF THE LEGAL LIMIT MAY GIVE RISE TO AN  
31 INFERENCE THAT THE INSTRUMENT WAS OFFERED OR PRESENTED WITH THE INTENT TO  
32 DEFRAUD.

33 32-1974. Tracking prescriptions for controlled substances and  
34 pseudoephedrine; reporting illegal activity;  
35 confidentiality; fee

36 A. THE BOARD SHALL DEVELOP A COMPUTERIZED SYSTEM TO TRACK EACH  
37 PRESCRIPTION FOR A CONTROLLED SUBSTANCE THAT IS LISTED IN SCHEDULE II, III OR  
38 IV AND ANY COMPOUND, MIXTURE OR PREPARATION THAT CONTAINS ANY DETECTABLE  
39 QUANTITY OF PSEUDOEPHEDRINE, ITS SALTS OR OPTICAL ISOMERS OR SALTS OF ITS  
40 OPTICAL ISOMERS AND THAT IS FILLED BY A PHARMACY OR PHARMACIST. THE SYSTEM:

41 1. SHALL BE DESIGNED TO PROVIDE INFORMATION:

42 (a) TO PHARMACIES, PHARMACISTS AND STATE AGENCIES REGARDING THE  
43 INAPPROPRIATE USE BY A PATIENT OF CONTROLLED SUBSTANCES LISTED IN SCHEDULES  
44 II, III AND IV OR ANY COMPOUND, MIXTURE OR PREPARATION THAT CONTAINS ANY  
45 DETECTABLE QUANTITY OF PSEUDOEPHEDRINE, ITS SALTS OR OPTICAL ISOMERS OR SALTS

OF ITS OPTICAL ISOMERS TO PREVENT THE IMPROPER OR ILLEGAL USE OF THOSE CONTROLLED SUBSTANCES.

(b) REGARDING STATISTICAL DATA THAT RELATES TO THE USE OF CONTROLLED SUBSTANCES LISTED IN SCHEDULES II, III AND IV AND ANY COMPOUND, MIXTURE OR PREPARATION THAT CONTAINS ANY DETECTABLE QUANTITY OF PSEUDOEPHEDRINE, ITS SALTS OR OPTICAL ISOMERS OR SALTS OF ITS OPTICAL ISOMERS AND THAT IS NOT SPECIFIC TO A PARTICULAR PATIENT.

2. SHALL BE ADMINISTERED BY THE BOARD, THE DEPARTMENT OF HEALTH SERVICES AND PHARMACISTS, REPRESENTATIVES OF PROFESSIONAL ASSOCIATIONS FOR PHARMACISTS, REPRESENTATIVES OF OCCUPATIONAL LICENSING BOARDS AND PROSECUTING ATTORNEYS WHO ARE SELECTED BY THE BOARD.

3. SHALL NOT INFRINGE ON THE LEGAL USE OF A CONTROLLED SUBSTANCE OR ANY COMPOUND, MIXTURE OR PREPARATION THAT CONTAINS ANY DETECTABLE QUANTITY OF PSEUDOEPHEDRINE, ITS SALTS OR OPTICAL ISOMERS OR SALTS OF ITS OPTICAL ISOMERS FOR THE MANAGEMENT OF SEVERE OR INTRACTABLE PAIN.

4. SHALL USE THE AUGUST 31, 2005, VERSION 003, RELEASE 000 STANDARD IMPLEMENTATION GUIDE FOR PRESCRIPTION MONITORING PROGRAMS THAT IS PUBLISHED BY THE AMERICAN SOCIETY FOR AUTOMATION IN PHARMACY OR ANY SUBSEQUENT VERSION OR RELEASE.

B. THE BOARD SHALL HAVE ACCESS TO THE SYSTEM TO IDENTIFY ANY SUSPECTED FRAUDULENT OR ILLEGAL ACTIVITY THAT IS RELATED TO THE DISPENSING OF CONTROLLED SUBSTANCES OR ANY COMPOUND, MIXTURE OR PREPARATION THAT CONTAINS ANY DETECTABLE QUANTITY OF PSEUDOEPHEDRINE, ITS SALTS OR OPTICAL ISOMERS OR SALTS OF ITS OPTICAL ISOMERS.

C. THE BOARD SHALL REPORT ANY ACTIVITY THAT IT REASONABLY SUSPECTS MAY BE FRAUDULENT OR ILLEGAL TO THE APPROPRIATE LAW ENFORCEMENT AGENCY OR OCCUPATIONAL LICENSING BOARD AND SHALL PROVIDE THE LAW ENFORCEMENT AGENCY OR OCCUPATIONAL LICENSING BOARD WITH THE RELEVANT INFORMATION THAT IS OBTAINED FROM THE SYSTEM FOR FURTHER INVESTIGATION.

D. ANY INFORMATION THAT IS OBTAINED FROM THE SYSTEM AND THAT RELATES TO A PHARMACIST OR A PATIENT IS CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO ANY PERSON, EXCEPT THAT INFORMATION SHALL BE DISCLOSED ON EITHER:

1. THE REQUEST OF A PERSON ABOUT WHOM THE REQUESTED INFORMATION CONCERNS OR THE PERSON'S ATTORNEY.

2. THE LAWFUL ORDER OF A COURT OF COMPETENT JURISDICTION.

E. THE BOARD MAY APPLY FOR GRANTS AND ACCEPT GIFTS, GRANTS OR DONATIONS TO ASSIST IN DEVELOPING AND MAINTAINING THE COMPUTERIZED SYSTEM.

F. THE BOARD BY RULE MAY ESTABLISH A FEE THAT PHARMACIES SHALL PAY FOR DISPENSING CONTROLLED SUBSTANCES INCLUDED IN SCHEDULES I THROUGH V.

Sec. 9. Section 36-2516, Arizona Revised Statutes, is amended to read:  
36-2516. Substances in schedule V

The following controlled substances or controlled substance precursors are included in schedule V:

1. Any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs, calculated as the free anhydrous base

or alkaloid, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(a) Not more than two hundred milligrams of codeine, or any of its salts, per one hundred milliliters or per one hundred grams.

(b) Not more than one hundred milligrams of dihydrocodeine, or any of its salts, per one hundred milliliters or per one hundred grams.

(c) Not more than one hundred milligrams of ethylmorphine, or any of its salts, per one hundred milliliters or per one hundred grams.

(d) Not more than 2.5 milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit.

(e) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams.

(f) Not more than 0.5 milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit.

2. Unless specifically excepted or listed in another schedule, any material, compound, mixture or preparation containing pyrovalerone.

3. Any compound or preparation containing the single active ingredient ephedrine or any of its salts.

4. ANY COMPOUND, MIXTURE OR PREPARATION CONTAINING ANY DETECTABLE QUANTITY OF PSEUDOEPHEDRINE, ITS SALTS OR OPTICAL ISOMERS OR SALTS OF ITS OPTICAL ISOMERS, EXCEPT FOR ANY DETECTABLE QUANTITY OF PSEUDOEPHEDRINE, ITS SALTS OR OPTICAL ISOMERS OR SALTS OF ITS OPTICAL ISOMERS IN LIQUID, LIQUID CAPSULE OR GEL CAPSULE FORM.

Sec. 10. Title 41, chapter 1, article 5, Arizona Revised Statutes, is amended by adding section 41-199, to read:

41-199. Methamphetamine prevention program; program termination

A. A METHAMPHETAMINE PREVENTION PROGRAM IS ESTABLISHED FOR THE PURPOSE OF TEACHING PERSONS WHO ARE AT LEAST SIX YEARS OF AGE BUT NOT MORE THAN SIXTEEN YEARS OF AGE AND WHO RESIDE IN COMMUNITIES WITH HIGH METHAMPHETAMINE USE THE SKILLS THAT ARE NECESSARY TO RESIST THE USE OF DRUGS AND ALCOHOL, WITH A SPECIAL EMPHASIS ON METHAMPHETAMINE EDUCATION AND PREVENTION. THE PROGRAM MAY OPERATE AT ONE OR MORE SITES AFTER SCHOOL AND ON EVENINGS, WEEKENDS, SCHOOL HOLIDAYS AND DURING SCHOOL VACATION.

B. NONPROFIT, YOUTH-SERVING ENTITIES MAY SUBMIT APPLICATIONS TO THE ATTORNEY GENERAL TO OPERATE A METHAMPHETAMINE PREVENTION PROGRAM PURSUANT TO THIS SECTION. AN APPLICANT SHALL BE A TAX EXEMPT, NONPROFIT, COMMUNITY BASED ORGANIZATION AND SHALL ENSURE THAT EACH OF THE FOLLOWING REQUIREMENTS IS FULFILLED, IF APPLICABLE:

1. THE APPLICATION DOCUMENTS THE ENTITY'S COMMITMENT TO OPERATE A PROGRAM ON A PARTICULAR SITE OR SITES.

2. EACH PARTNER IN THE APPLICATION AGREES TO SHARE RESPONSIBILITY FOR THE QUALITY OF THE PROGRAM.

1           3. THE APPLICATION DESIGNATES THE NONPROFIT ENTITY TO ACT AS THE  
2 FISCAL AGENT.

3           4. THE APPLICANT AGREES TO FOLLOW ALL FISCAL REPORTING AND AUDITING  
4 STANDARDS THAT ARE REQUIRED BY THE ATTORNEY GENERAL.

5           5. THE APPLICANT DOCUMENTS A SUCCESSFUL MANAGEMENT RECORD FOR OVER ONE  
6 MILLION DOLLARS OF PROGRAMS OR GRANTS FOR A CONSECUTIVE THREE YEAR PERIOD.  
7 AN ASSOCIATION OR AN ALLIANCE OF ORGANIZATIONS MAY BE USED TO MEET THIS  
8 REQUIREMENT. EACH ORGANIZATION IN THE ASSOCIATION OR ALLIANCE SHALL BE A TAX  
9 EXEMPT, NONPROFIT, COMMUNITY BASED ORGANIZATION.

10          C. THE ATTORNEY GENERAL SHALL SELECT AN ENTITY OR ENTITIES TO  
11 PARTICIPATE IN THE PROGRAM FROM AMONG APPLICANTS THAT APPLY PURSUANT TO  
12 SUBSECTION B OF THIS SECTION ON FORMS AND IN A MANNER PRESCRIBED BY THE  
13 ATTORNEY GENERAL. TO THE EXTENT POSSIBLE, THE ATTORNEY GENERAL'S SELECTION  
14 OF ENTITIES SHALL RESULT IN AN EQUITABLE DISTRIBUTION OF GRANT AWARDS TO  
15 APPLICANTS THROUGHOUT THIS STATE. IN SELECTING ENTITIES TO PARTICIPATE IN  
16 THE PROGRAM, THE ATTORNEY GENERAL SHALL CONSIDER THE FOLLOWING:

17           1. WHETHER AN ENTITY HAS DEMONSTRATED PROGRAM EXPERIENCE IN:

18           (a) THE MOST UNDERSERVED AREAS.

19           (b) THE MOST ECONOMICALLY DISADVANTAGED AREAS.

20           (c) AT LEAST THREE OF THE FIVE DIVERSIONARY ACTIVITIES LISTED IN  
21 SUBSECTION E OF THIS SECTION, INCLUDING OPERATING A DRUG PREVENTION PROGRAM.

22           2. THE LEVEL AND TYPE OF LOCAL MATCHING FUNDS.

23           3. THE CAPACITY TO RESPOND TO PROGRAM EVALUATION REQUIREMENTS.

24           4. DEMONSTRATED FISCAL ACCOUNTABILITY.

25          D. THE ATTORNEY GENERAL SHALL GIVE PRIORITY TO APPLICANTS THAT  
26 DEMONSTRATE EXPERIENCE IN MORE THAN THREE OF THE FIVE DIVERSIONARY ACTIVITIES  
27 LISTED IN SUBSECTION E OF THIS SECTION AND TO APPLICANTS IN COMMUNITIES WITH  
28 HIGH METHAMPHETAMINE USE.

29          E. AN ENTITY THAT IS SELECTED TO OPERATE A PROGRAM PURSUANT TO THIS  
30 SECTION SHALL COOPERATE WITH STATE, COUNTY AND MUNICIPAL LAW ENFORCEMENT  
31 AGENCIES TO REDUCE JUVENILE CRIME, DELINQUENCY AND DRUG USE. THE PROGRAM  
32 SHALL INCLUDE A DRUG PREVENTION COMPONENT THAT EMPOWERS AT-RISK YOUTHS TO  
33 MAKE HEALTHY DECISIONS REGARDING ILLICIT DRUGS, INCLUDING ALCOHOL AND  
34 METHAMPHETAMINE, THAT IS BASED ON PROVEN RESEARCH AND THAT IS DESIGNED AND  
35 TARGETED AT YOUTHS WHO ARE AT LEAST SIX YEARS OF AGE BUT NOT MORE THAN  
36 SIXTEEN YEARS OF AGE. SUPPORT SERVICES THAT ENHANCE THE PRIMARY GOALS OF THE  
37 DRUG PREVENTION COMPONENT MAY BE INCLUDED IN THE PROGRAM METHODOLOGY AND USE  
38 OF FUNDS. THE DRUG PREVENTION COMPONENT SHALL ALSO INCLUDE OTHER  
39 DIVERSIONARY ACTIVITIES IN THE OVERALL PROGRAM, INCLUDING:

40           1. CHARACTER AND LEADERSHIP DEVELOPMENT THAT EMPOWERS YOUTHS TO  
41 SUPPORT AND INFLUENCE THEIR COMMUNITY, DEVELOP A POSITIVE SELF-IMAGE,  
42 PARTICIPATE IN THE DEMOCRATIC PROCESS AND RESPECT THEIR OWN AND OTHERS'  
43 CULTURAL IDENTITIES.



1           2. HEALTH AND LIFE SKILLS THAT DEVELOP THE CAPACITY OF YOUTHS TO  
2 ENGAGE IN POSITIVE BEHAVIORS, SET GOALS AND LIVE SUCCESSFULLY AS  
3 SELF-SUFFICIENT ADULTS.

4           3. ARTS THAT ENABLE YOUTHS TO DEVELOP THEIR CREATIVITY AND CULTURAL  
5 AWARENESS THROUGH KNOWLEDGE AND APPRECIATION OF THE VISUAL ARTS, CRAFTS,  
6 PERFORMING ARTS AND CREATIVE WRITING.

7           4. SPORTS, FITNESS AND RECREATION THAT DEVELOP FITNESS, POSITIVE USE  
8 OF LEISURE TIME, APPRECIATION OF THE ENVIRONMENT AND THE DEVELOPMENT OF TEAM  
9 SKILLS, LIFE SKILLS AND SOCIAL SKILLS.

10          5. EDUCATION AND CAREER DEVELOPMENT THAT ENABLES YOUTHS TO BECOME  
11 PROFICIENT IN EDUCATIONAL DISCIPLINES, APPLY LEARNING TO EVERYDAY SITUATIONS  
12 AND EMBRACE TECHNOLOGY TO ACHIEVE SUCCESS IN A CAREER.

13          F. A PROGRAM THAT IS ESTABLISHED PURSUANT TO THIS SECTION IS NOT  
14 REQUIRED TO CONDUCT INDIVIDUAL ELIGIBILITY DETERMINATIONS BASED ON NEED OR  
15 INCOME.

16          G. ALL PROGRAM STAFF AND VOLUNTEERS ARE SUBJECT TO HEALTH SCREENING  
17 AND SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE ATTORNEY GENERAL FOR THE  
18 PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO  
19 SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY  
20 EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.

21          H. THE ATTORNEY GENERAL SHALL DEVELOP REPORTING REQUIREMENTS AND  
22 ALLOCATION PROCEDURES, INCLUDING PROCEDURES TO REIMBURSE START-UP COSTS FOR  
23 PROGRAMS THAT ARE ESTABLISHED PURSUANT TO THIS SECTION.

24          I. AN ENTITY THAT ESTABLISHES A PROGRAM PURSUANT TO THIS SECTION IS  
25 ELIGIBLE TO RECEIVE A THREE YEAR RENEWABLE GRANT, SUBJECT TO ANY REPORTING  
26 REQUIREMENTS ESTABLISHED BY THE ATTORNEY GENERAL AND SUBJECT TO LEGISLATIVE  
27 APPROPRIATION. THE ENTITY SHALL PROVIDE A ONE HUNDRED PER CENT MATCH FOR  
28 EACH DOLLAR RECEIVED IN GRANT FUNDS. NOT MORE THAN TWENTY-FIVE PER CENT OF  
29 THE MATCH CAN BE IN-KIND. FACILITIES AND SPACE USAGE MAY NOT FULFILL THE  
30 MATCH REQUIREMENT. LOCAL MATCHING FUNDS FROM GOVERNMENT AGENCIES, COMMUNITY  
31 ORGANIZATIONS OR THE PRIVATE SECTOR ARE ACCEPTABLE. FEDERAL FUNDS CAN BE  
32 USED TO MEET THE MATCH. AN ENTITY MAY USE UP TO FIFTEEN PER CENT OF THE  
33 INITIAL YEAR GRANT MONIES FOR START-UP COSTS. FUNDING FOR START-UP COSTS  
34 SHALL NOT RESULT IN AN INCREASE IN THE GRANT RECIPIENT'S TOTAL FUNDING ABOVE  
35 THE APPROVED GRANT AMOUNT. AN ENTITY SHALL NOT SPEND MORE THAN TEN PER CENT  
36 OF THE GRANT MONIES ON ADMINISTRATIVE COSTS AND SHALL ENSURE THAT NOT LESS  
37 THAN NINETY PER CENT OF THE GRANT MONIES BE ALLOCATED TO SITES FOR DIRECT  
38 SERVICES TO YOUTHS.

39          J. THE PROGRAM ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2016  
40 PURSUANT TO SECTION 41-3102.